IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Revision No. 293 of 1991

Date of Decision :- April 2, 2007

Shabeg Singh ....PETITIONER

VERSUS

State of Punjab ....RESPONDENT

CORAM: HON'BLE MR. JUSTICE MEHTAB S.GILL

Present:- Mr. Manwinder Singh Sidhu, Advocate
for the petitioner.

Mr. N.S.Virk, Addl. Advocate General, Punjab.

MEHTAB S.GILL, J.

This is a revision against the judgment dated 4.4.1991 of the Additional Sessions Judge, Ferozepur, whereby he modified the judgment/order dated 20.4.1990 of the Judicial Magistrate 1st Class, Zira, by reducing the sentence of Shabeg Singh son of Sohan Singh from 1½ years R.I. to one year R.I., but affirming his conviction under Section 9 of the Opium Act and payment of fine of Rs.1,000/-.

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The case of the prosecution is that on 12.5.1984, Head Constable Jagir Singh, along with other police officials proceeded towards Fatehgarh Sabhra. When they reached near the canal minor in the area of Village Fatehgarh Sabra, they saw the petitioner coming from the opposite direction. Petitioner was carrying a hand bag. On search of the hand bag, opium wrapped in a glazed paper was recovered. Sample of 10 grams was taken. The remaining opium was weighed, it being 5 Kgs. Necessary formalities were completed.

The prosecution to prove its case brought into the witness box HC Tara Singh as PW1, ASI Jagir Singh as PW2 and HC Jagdish Rai as PW3.

Learned counsel for the petitioner has argued, that no independent witness was joined, though the petitioner was arrested on a thorough-way. In their statements, the witnesses made material contradictions, which cannot be relied upon.

I have heard the learned counsel for the parties, perused the impugned judgments and the record, with their assistance.

No independent witness could be joined at that time, as the recovery was made early in the day. After going through the statements of the witnesses, no material contradictions can be made out. Their testimony is consistent and reliable. There is no motive to falsely implicate the petitioner.

I do not find any infirmity in the judgment of the learned Additional Sessions Judge, Ferozepur. Occurrence is of the year 1984 and revision is pending in this Court since 1991. The sword of conviction is hanging over the head of the petitioner for the last 23 years. This itself is a

punishment. Conviction of the petitioner is maintained. Sentence of the petitioner is modified to that already undergone.

With the above modification in sentence, revision petition is dismissed.

April 2, 2007 **(MEHTAB S.GILL)**
S.K.Arora **JUDGE**

WHETHER TO BE REFERRED TO REPORTER? YES/NO